

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JAMARCUS FENNELL</b>	:	<b>CIVIL ACTION</b>
	:	
v.	:	<b>NO. 19-4183</b>
	:	
<b>CHARLES HORVATH, <i>et al.</i></b>	:	

**ORDER**

**AND NOW**, this 20<sup>th</sup> day of May 2020, upon considering the Defendants' amended Motion for summary judgment (ECF Doc. No. 42), Plaintiff's Response (ECF Doc. No. 52), Defendants' Reply (ECF Doc. No. 55), following oral argument, and for reasons in the accompanying Memorandum, it is **ORDERED** the Defendants' amended Motion (ECF Doc. No. 42) is **GRANTED in part** and **DENIED in part**:

1. We **DENY** the amended Motion in part finding genuine issues of material fact for trial as to Plaintiff's excessive force and retaliation claims against Officer Colarusso, his excessive force claim against Officer Thorman, and his retaliation claims against Lieutenant Rinker and former Officer Waterman;

2. We otherwise **GRANT** the amended Motion and **dismiss** Investigator Horvath, Lieutenant Cruz, and Officers Crowley and Nicholas, the retaliation claim against Officer Thorman, and the excessive force claims against Lieutenant Rinker and former Officer Waterman;

3. We **amend** our April 3, 2020 Order (ECF Doc. No. 51) solely to provide counsel more time given the entry of today's Order for pretrial submissions:

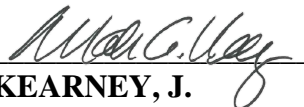
a. No later than **June 3, 2020**, counsel for each party shall exchange a list identifying each exhibit the party expects to offer at trial along with a reference to the Bates number or other identification of the documents used in discovery;

b. No later than **June 5, 2020**, each party shall file a pretrial memorandum compliant with our Policies;

c. No later than **June 9, 2020**, each party shall file proposed jury instructions on substantive issues and proposed verdict forms or special interrogatories, with an electronic copy e-mailed in Word format to [Chambers of Judge Kearney@paed.uscourts.gov](mailto:Chambers_of_Judge_Kearney@paed.uscourts.gov);

d. All motions affecting trial presentations (e.g., *in limine* or bifurcation), proposed *voir dire* peculiar to your case, objections to proposed jury instructions, list of contested exhibits and deposition designations (providing the contested exhibits and highlighted designations to Chambers) shall be filed on or before **June 11, 2020**. Responses, including highlighted counter-designations and objections, if any, shall be filed on or before **June 19, 2020**; and,

4. All other pretrial and trial obligations in our May 1, 2020 Order (ECF Doc. No. 56) remain in effect.

  
KEARNEY, J.